

Senate Bill 989

Sponsored by Senator ANDERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act prescribes the process for a parent or guardian to admit a child, with or without the child's consent, for certain treatment. (Flesch Readability Score: 62.1).

Permits a child's parent or guardian to admit the child, with or without the child's consent, to an inpatient treatment facility or program licensed by the Oregon Health Authority or the Department of Human Services for certain mental, emotional or behavioral health or substance use disorder treatment. Requires an initial assessment of the child and periodic reviews supporting the necessity of inpatient treatment. Prohibits the facility or program from declining to admit the child solely based on the child's unwillingness to consent to admission. Provides a process for a child who is 14 years of age or older to request review of the admission decision. Directs the licensing agency of the facility or program to adopt rules for the review of admission decisions. Creates exceptions.

Directs the department, in consultation with the authority, to make written materials available regarding resources for families seeking mental, emotional or behavioral health treatment, or substance use disorder treatment, for minor children.

A BILL FOR AN ACT

1
2 Relating to treatment of minor children.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, "child" means an unmarried person under 18**
5 **years of age.**

6 **(2) A parent or guardian of a child may admit the child, with or without the child's con-**
7 **sent, to an inpatient treatment facility or program licensed by the Oregon Health Authority**
8 **or the Department of Human Services for mental, emotional or behavioral health treatment**
9 **or for treatment for a substance use disorder, upon application to the facility or program**
10 **and after a careful diagnostic assessment is made by a neutral fact finder, consistent with**
11 **the requirements of this section.**

12 **(3) The neutral fact finder who conducts the assessment under this section:**

13 **(a) Must be a licensed health care professional or other qualified professional, as de-**
14 **scribed by the department by rule;**

15 **(b) Must be trained in the type of treatment for which the parent or guardian is admit-**
16 **ting the child;**

17 **(c) May not profit, financially or otherwise, from the child's admission; and**

18 **(d) May not be employed by the facility or program.**

19 **(4) The assessment under this section:**

20 **(a) May be conducted on the premises of the facility or program;**

21 **(b) Must include a private interview with the child, an interview with the child's parent**
22 **or guardian and an evaluation of the child's background and need for treatment; and**

23 **(c) Must culminate in a written report.**

24 **(5)(a) The child may be admitted to the facility or program if the neutral fact finder de-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **termines that:**

2 (A)(i) **The child’s mental, emotional or behavioral health needs pose a reasonable risk of**
 3 **harm to the child or others; or**

4 (ii) **The child has a substance use disorder and, because of that disorder, poses a rea-**
 5 **sonable risk of harm to the child or others;**

6 (B) **The treatment or rehabilitation is in the child’s best interests; and**

7 (C) **There is no less restrictive alternative that would be equally as effective, from a**
 8 **clinical standpoint, as the facility or program.**

9 (b) **If the child is at least 14 years of age, in determining whether admission to the fa-**
 10 **ility or program is in the child’s best interests under this subsection, the neutral fact finder**
 11 **shall take into consideration the child’s reluctance or refusal to assent to treatment, the**
 12 **child’s maturity level and ability to understand the consequences of refusing treatment, and**
 13 **whether the treatment is essential to the child’s welfare or can be deferred without sub-**
 14 **stantial risk to the child’s welfare.**

15 (c) **A facility or program to which a child is admitted under this section shall conduct**
 16 **periodic reviews, at intervals not to exceed 30 days, to determine whether the criteria de-**
 17 **scribed in this subsection continue to exist.**

18 (6) **A facility or program may not decline to accept a child for admission under this sec-**
 19 **tion solely based on the child’s unwillingness to consent to the admission.**

20 (7) **If a child admitted to a facility or program under this section is at least 14 years of**
 21 **age, the child may request administrative review, as provided by the facility’s or program’s**
 22 **licensing agency by rule, of the appropriateness of the child’s admission under this section.**

23 (8)(a) **Upon admission of a child under this section, the facility or program shall notify**
 24 **the child’s parent or guardian and, if the child is at least 14 years of age, the child, both**
 25 **orally and in writing, in easily understandable language, of the process to request the child’s**
 26 **discharge from the facility or program, including the process for a child to request admin-**
 27 **istrative review of the admission decision under subsection (7) of this section.**

28 (b) **If the child attains 14 years of age while admitted to the facility or program, the fa-**
 29 **ility or program shall provide the child with the notice required under paragraph (a) of this**
 30 **subsection.**

31 (9) **A child admitted under this section shall be discharged no later than 72 hours after**
 32 **the earliest of the following:**

33 (a) **A facility or program receives a written request from the child’s parent or guardian**
 34 **requesting the child’s discharge from the facility or program;**

35 (b) **A facility or program makes a determination under subsection (5)(c) of this section**
 36 **that the child no longer meets the criteria for admission to the facility or program; or**

37 (c) **The child attains 18 years of age.**

38 (10) **This section does not apply to:**

39 (a) **The placement of a child in an inpatient treatment facility or program by the De-**
 40 **partment of Human Services, the Oregon Youth Authority or a county juvenile department;**
 41 **or**

42 (b) **The voluntary admission of a child to a state hospital under ORS 426.220 or 426.650.**

43 (11) **The Oregon Health Authority or the Department of Human Services shall adopt any**
 44 **rules necessary for the implementation of this section.**

45 **SECTION 2. (1) As used in this section, “treatment” means mental, emotional or behav-**

1 **ioral health treatment or substance use disorder treatment.**

2 **(2) The Department of Human Services, in consultation with the Oregon Health Author-**
3 **ity, shall make the following written materials available on the department's website:**

4 **(a) A description of public and private resources that are available to assist parents and**
5 **guardians who are seeking treatment in this state for minor children.**

6 **(b) A directory of inpatient and outpatient facilities and programs that are licensed by**
7 **the department or authority to provide treatment in this state to minor children.**

8 **(c) A directory of transportation services providers that are licensed by the department**
9 **or authority to transport minor children to facilities and programs described in paragraph**
10 **(b) of this subsection.**

11 **(d) A directory of individuals who are licensed by the department or authority to provide**
12 **in-home treatment in this state to minor children.**

13 **(e) Any other information the department determines relevant to assist parents and**
14 **guardians who seek treatment in this state for minor children.**

15 **(3) The department and authority, by rule, shall require each facility, program, service**
16 **provider or individual included in the directories described in subsection (2) of this section**
17 **to inform parents or guardians of patients or prospective patients about the availability of,**
18 **and how to access, the written materials described in subsection (2) of this section.**

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